

INTERVENTION



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BEFORE THE ARIZONA CORPORATION COMMISSION

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AZ CORP COMMISSION
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ORIGINAL Arizona Corporation Commission
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IN THE MATTER OF THE APPLICATION OF
QWEST CORPORATION D/B/A
CENTURYLINK- QC ("CENTURYLINK") TO
CLASSIFY AND REGULATE RETAIL LOCAL
EXCHANGE TELECOMMUNICATIONS
SERVICES AS COMPETITIVE AND TO
CLASSIFY AND DEREGULATE CERTAIN
SERVICES AS NON-ESSENTIAL.

DOCKET NO. T-01051B-11-0378

**THE UNITED STATES
DEPARTMENT OF DEFENSE
AND ALL OTHER FEDERAL
EXECUTIVE AGENCIES'**

APPLICATION TO INTERVENE

The Secretary of Defense, through duly authorized counsel, on behalf of the consumer interests of the United States Department of Defense and all other Federal Executive Agencies (collectively referred to herein as "DoD/FEA"), hereby petitions the Arizona Corporation Commission ("the Commission") for leave to intervene in the above-captioned proceeding. DoD/FEA has a direct and significant interest in this proceeding, whose genesis was a petition filed October 13, 2011, by Qwest Corporation d/b/a CenturyLink QC ("CenturyLink"). CenturyLink asks the Commission "for a determination pursuant to A.C.C. R14-2-1108 that all Commission-regulated retail local exchange services CenturyLink provides are competitive...and...for a determination pursuant to A.R.S. §40-281(E) that certain of the retail services CenturyLink provides are not essential or integral to the public service and [should be deregulated by the Commission]."¹ DoD/FEA's Application to Intervene is filed pursuant to Rule 14-3-105 of the

¹ Application of Qwest Corporation d/b/a CenturyLink QC ("CenturyLink") to Classify and Regulate Retail Local Exchange Telecommunications Services as Competitive and to Classify and Deregulate Certain Services as Non-Essential, p. 1, October 13, 2011.

Commission's Rules of Practice and Procedure and the Administrative Law Judge's Procedural Order, dated January 17, 2012, page 2, in this proceeding. In support of this Application, DoD/FEA states as follows:

1. DoD/FEA will be represented by, with all documents served upon and all communications referred to, its duly authorized attorney, a U. S. Department of Defense employee:

Stephen S. Melnikoff, Esq.
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Regulatory Law Office (JALS-RL/IP)
U. S. Army Legal Services Agency
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Additionally, DoD/FEA respectfully requests that, for purposes of the Service List, all documents should also be served upon both its external expert consultants:

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2. The interest of DoD/FEA in this proceeding is that of a retail customer of telecommunications services provided by CenturyLink. The Federal government maintains numerous military installations and civilian Federal Executive Agency activities within the State of Arizona that obtain telecommunications services from CenturyLink and other

providers.² As such, DoD/FEA is one of the largest users of telecommunications services in Arizona. DoD/FEA installations, facilities and offices, ranging widely in size, are located throughout Arizona, and the business telecommunications services purchased range from large complex systems to small office services.³ In addition to the services procured directly from CenturyLink, DoD/FEA procures services through competitive bidding procedures whenever possible to obtain the best available services at the lowest possible costs. It is important to DoD/FEA that service in the affected operating areas will be provided in an efficient manner, at reasonable cost, with the highest service quality and performance. Thus, the results of any regulatory framework changes (either the continued imposition of unnecessary costly and time consuming regulations or the premature relaxation of necessary regulatory requirements) concerning CenturyLink and its place and influence in a competitive telecommunications marketplace could directly and significantly impact for better or worse the consumer interests of DoD/FEA as well as the fairness and vitality of the competitive telecommunications environment in Arizona, important factors influencing the outcome of the DoD/FEA telecommunications procurement programs.

3. DoD/FEA has a unique government end-user perspective on the issues that might arise as a result of this proceeding, given the nature and extent of its

² Several major military installations are located in the State of Arizona, including Fort Huachuca, Davis-Monthan Air Force Base, Yuma Proving Ground and Luke Air Force Base. In addition, the Federal presence also exists in major facilities such as the Department of Veterans Affairs Medical Centers in Phoenix and Tucson, and Federal Buildings and Courthouses in Phoenix and Tucson. Moreover, in the affected operating areas there are numerous and widespread smaller-sized offices such as Armed Forces recruiters, Post Offices, Social Security offices, as well as offices housing Fish and Wildlife Service, National Parks, USDA Forest Service and Farm Service/Agricultural employees and agents. Federal employment (Civilian and Active Duty Military) in Arizona exceeds 60,000 persons.

³ DoD/FEA obtains a broad variety of services, and has a wide range of sizes of customer serving sites and number and kind of urban/rural locations throughout the state. DoD/FEA uses a variety of providers (incumbent and competitive local exchange carriers) and mechanisms (such as regulated tariff, ICB and competitive offerings) to acquire service.

telecommunications purchases from both CenturyLink and competitive carriers in Arizona. The interest of DoD/FEA which could be impacted in this proceeding is direct and substantial and is such that it cannot be adequately represented by any other party. Moreover, as a large customer, DoD/FEA has expertise in addressing telecommunications regulatory issues in formal proceedings.⁴ Thus, DoD/FEA's participation will assist the Commission in resolving issues that arise in this proceeding.

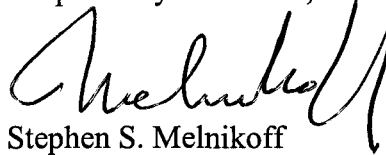
4. DoD/FEA's intervention and participation herein will not unreasonably broaden the issues, burden the record, unduly affect the rights of participating parties or unreasonably delay the proceeding.

WHEREFORE, DoD/FEA petitions the Commission for leave to intervene in the captioned proceeding as party with full rights to participate in the proceeding, including

⁴ DoD/FEA has participated in previous Qwest regulatory proceedings in Arizona, such as Docket No. T-01051B-02-0666 (the sale of Qwest Dex); and Docket No. T-01051B-03-0454 (Qwest Renewed Price Regulation). Additionally, DoD/FEA actively participated as an intervenor in the Docket Nos. T-01051B-10-0194, *et al.* (Qwest acquisition by CenturyTel, Inc.).

the right to discovery, to examine witnesses, to file testimony and briefs and to be heard at oral argument.

Respectfully submitted,



Stephen S. Melnikoff

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For
The United States Department of Defense
And
All Other Federal Executive Agencies

Dated: February 10, 2012

Original and thirteen (13) copies
of the foregoing sent Expedited UPS
this 10th day of February 2012 to:

Docket Control
Arizona Corporation Commission
1200 West Washington
Phoenix, Arizona 85007

Copy of the foregoing mailed this
10th day of February 2012 to:

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By: 
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(1/31/2012)